

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
GREGORY E. SMITH SR.,

Plaintiff,

v.

CAPITAL CARTAGE, INC.,

Defendant.  
-----

ORDER

09-cv-684-bbc

Plaintiff Gregory Smith, Sr. brought this action under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act (ADEA). On January 15, 2010, defendant Capital Cartage, Inc. filed an answer signed by Mary Hermanson, who does not appear to be a licensed attorney.

Under Fed. R. Civ. P. 11, “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name-or by a party personally if the party is unrepresented.” It is well established that a corporation may appear in the federal courts only through licensed counsel. Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993); Muzikowski v. Paramount Pictures Corp., 322 F.3d 918, 924 (7th Cir. 2003). Thus, defendant’s answer has not been properly filed because it is not signed by an attorney. However, I will give defendant a chance to file another answer signed by counsel.

Kipp v. Royal & Sun Alliance Personal Insurance Company, 209 F. Supp. 2d 962, 963 (E.D. Wis. 2002) (doing same). Defendant will have until February 16, 2010 to retain counsel and file a new answer. If, by then, defendant does not file an answer signed by counsel, I will ask the clerk to enter default against it pursuant to Fed. R. Civ. P. 55(a).

ORDER

IT IS ORDERED that

1. Defendant Capital Cartage, Inc.'s answer, dkt. #7, is STRICKEN.
2. Defendant may have until February 16, 2010, in which to file an answer that complies with Fed. R. Civ. P. 11(a). If defendant fails to file a proper answer by February 16, 2010, the court may, on its own motion or a motion from plaintiff, order the clerk of court to enter default against defendant.

Entered this 26th day of January, 2010.

BY THE COURT:

/s/

---

BARBARA B. CRABB

District Judge